

REMARKS

In the non-final Office Action, the Examiner rejected claims 18-33 under 35 U.S.C. § 103(a) as unpatentable over Wolff (U.S. Patent No. 6,247,047) in view of Unold et al. (U.S. Patent Application Publication No. 2002/0055880).

By this Amendment, Applicant amends claims 18, 24, and 28 to improve form, and adds new claims 34-39. Applicant respectfully traverses the Examiner's rejection under 35 U.S.C. § 103. Claims 18-39 are pending.

In paragraphs 4-17 of the Office Action, the Examiner rejected claims 18-33 as allegedly unpatentable over Wolff in view of Unold et al. Applicant respectfully traverses the rejection.

Independent claim 18, for example, is directed to a method for enticing users to access a web page. The method comprises modifying a standard company logo for a special event to create a special event logo; associating one or more search terms with the special event logo; uploading the special event logo to the web page; receiving a user selection of the special event logo; and providing search results relating to the special event in response to the user selection.

Neither Wolff nor Unold et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 18. For example, neither Wolff nor Unold et al. discloses or suggests modifying a standard company logo for a special event to create a special event logo.

The Examiner alleged that Wolff discloses "the main idea of using a company logo, being able to modify the company logo, and associating a search term with it" and cited column 8, line 35 - column 9, line 7 of Wolff for support (Office Action, paragraph 5). Applicant respectfully disagrees.

At column 8, line 35 - column 9, line 7, Wolff discloses:

At step 200, a WWW page 100 is displayed on display 18 of a user node 14. Page 100 is retrieved from sponsor server 50 (FIG. 1) when server 50 is accessed by specifying its URL during a browsing session by the user. Page 100 is specified by HTML file 52 which, as described above, caused an icon or advertising banner 102 to be displayed. Banner 102, displayed on a geographic area 104 of page 100, includes graphics relating to a particular product or service being advertised. Embedded within banner 102 is the URL of host server 12 (e.g., "www.bannerbuy.com") and a unique indicia (e.g., "12345") identifying the product or service being advertised. The indicia is appended to the end of the URL (e.g., "www.bannerbuy.com/12345"), and the URL is linked to banner 102. The URL and indicia are shown in a dashed box 106 to indicate they are transparent to the user. In other embodiments, the URL and indicia can be displayed to the user, or banner 102 can be replaced by another icon having embedded therein the same URL and indicia. For example, banner 102 can be replaced by a hyperlink including the URL of host server 12 and the indicia of the advertised product or service.

At step 202, a user uninterested in the advertised product or service may continue browsing without selecting banner 102. However, if the user wants to make a transaction or wants more information about the advertised product or service, the user selects banner 102 using an input device such as mouse 22 by clicking in geographic area 104. In response, at step 204, user node 14 makes an TCP/IP request using the URL ("www.bannerbuy.com") embedded within banner 102 to contact host server 12 over Internet 16.

At step 206, host server 12 generates a unique transaction identification number ("transaction ID"), and creates a new record in the transaction record database which can be indexed by the transaction ID. This record will be used to store any input data entered by the user for this transaction. At step 208, host server 12 receives the unique indicia (e.g., "12345") embedded within banner 102 and uses the indicia to search the on-line product/service database for a record containing information specific to the advertised product or service.

In this section, Wolff discloses displaying an advertising banner on a web page and embedding within the advertising banner a URL of the host server and a unique indicia that identifies the product or service being advertised. It appears that the Examiner is alleging that an advertising banner is equivalent to a company logo. Applicant submits that such an allegation is unreasonable because an advertising banner is quite different from a company logo. They are designed for different purposes and they implement different functionality. An advertising banner typically includes advertising material that offers a product or service for sale. It may be possible for an advertising banner to include a company logo with the advertising material (see, e.g., paragraphs 0125 and 0126 of Unold et al.), but an advertising banner is definitely not

equivalent to a company logo. Wolff does not even mention a company logo. Therefore, Wolff cannot disclose the ability to modify a company logo, as alleged by the Examiner.

The Examiner admitted that Wolff does not disclose modifying a standard company logo to become a special event logo (Office Action, paragraph 5). The Examiner alleged that Unold et al. discloses the ability to alter a standard company logo to become a special event logo in accordance with a special event and cited paragraph 0007 of Unold et al. for support (Office Action, paragraph 5). Applicant respectfully disagrees.

At paragraph 0007, Unold et al. discloses:

Therefore, there exists in the industry, a need for a system and method for enabling the rapid creation of electronic advertisements, for rapidly changing or replacing advertisements in response to market and sales trends, changes in customer preferences, or the occurrence of a holiday or special event, for controlling access to digital signs, and for addressing these and other related, and unrelated, problems.

In this section, Unold et al. discloses the need for a system and method to rapidly create, change, and replace advertisements. It appears again that the Examiner is alleging that an advertisement is equivalent to a company logo. As explained above, such an allegation is unreasonable because advertisements are quite different from company logos. Therefore, the need for rapid creating, changing, and replacing of advertisements, as identified by Unold et al., falls short of curing the deficiencies in the disclosure of Wolff.

Therefore, even if Wolff and Unold et al. were combinable (a point that Applicant does not concede), the combined system would not disclose or suggest modifying a standard company logo for a special event to create a special event logo, as required by claim 18.

Because neither Wolff nor Unold et al. discloses or suggests modifying a standard company logo for a special event to create a special event logo, Wolff and Unold et al., whether taken alone or in any reasonable combination, cannot disclose or suggest associating one or more

search terms with the special event logo, as further required by claim 18.

The Examiner alleged that Wolff discloses associating one or more search terms with a company logo and cited column 8, lines 43-48, of Wolff for support (Office Action, paragraph 5). Applicant respectfully disagrees.

At column 8, lines 43-48, Wolff discloses:

Embedded within banner 102 is the URL of host server 12 (e.g., "www.bannerbuy.com") and a unique indicia (e.g., "12345") identifying the product or service being advertised. The indicia is appended to the end of the URL (e.g., "www.bannerbuy.com/12345"), and the URL is linked to banner 102.

In this section, Wolff discloses that a URL and unique indicia identifying the product or service being advertised is embedded within an advertising banner. Wolff discloses that if a user clicks on the advertising banner, the host server (associated with the advertiser) uses the unique indicia to search a product/service database for a record containing information specific to the advertised product or service (col. 9, lines 3-7). Even if, for the sake of argument, the unique indicia could be equated to a search term (a point that Applicant does not concede), Wolff does not disclose or suggest associating the unique indicia with a special event logo, as required by claim 18. The disclosure of Unold et al. does not cure this deficiency in the disclosure of Wolff.

Because neither Wolff nor Unold et al. discloses or suggests associating one or more search terms with the special event logo, Wolff and Unold et al., whether taken alone or in any reasonable combination, cannot disclose or suggest providing search results relating to a special event in response to user selection of the special event logo, as further required by claim 18.

The Examiner alleged that Wolff discloses providing search results relating to the logo in response to user selection and cited column 9, lines 1-7, of Wolff for support (Office Action, paragraph 5). Applicant submits that the Examiner has misconstrued the language of claim 18.

Claim 18 does not recite providing search results relating to a logo, but instead recites providing search results relating to a special event. Wolff does not disclose or suggest this feature.

At column 9, lines 1-7, Wolff discloses:

This record will be used to store any input data entered by the user for this transaction. At step 208, host server 12 receives the unique indicia (e.g., "12345") embedded within banner 102 and uses the indicia to search the on-line product/service database for a record containing information specific to the advertised product or service.

In this section, Wolff discloses that the unique indicia is used to search a product/service database for a record containing information specific to the advertised product or service. This section of Wolff is deficient for at least a couple of reasons. First, Wolff discloses that the host server performs a search in response to user selection of the advertising banner, not in response to user selection of a special event logo, as required by claim 18. Second, the information obtained as a result of the search (i.e., information specific to the advertised product or service) cannot reasonably be equated to search results relating to a special event, as required by claim 18. The disclosure of Unold et al. does not cure these deficiencies in the disclosure of Wolff.

For at least these reasons, Applicant submits that claim 18 is patentable over Wolff and Unold et al., whether taken alone or in any reasonable combination. Claims 19-25 depend from claim 18 and are, therefore, patentable over Wolff and Unold et al. for at least the reasons given with regard to claim 18. Claims 19-25 are also patentable for reasons of their own.

For example, claim 19 recites creating the special event logo by modifying the standard company logo with one or more animated images. Neither Wolff nor Unold et al. discloses or suggests this combination of features.

The Examiner alleged that Unold et al. discloses the ability to modify a logo with animated images, video, and audio data and cited paragraph 0047, lines 9-13, of Unold et al. for

support (Office Action, paragraph 6). Applicant respectfully disagrees.

At paragraph 0047, lines 9-13, Unold et al. discloses:

Each digital sign 108, preferably, comprises: a display subsystem capable of displaying video or still images received in the form of digital signals; an audio subsystem capable of producing and delivering audible sound from received digital signals therefor.

In this section, Unold et al. discloses that a digital sign is capable of displaying video or still images and producing audible sound. The Examiner appears to allege that a digital sign is equivalent to a company logo. Unold et al. describes a digital sign as a device that includes a display via which an advertiser can advertise its products or services in locations, such as airports, shopping malls, exhibit halls, taxi cabs, etc. (paragraphs 0047 and 0048). Applicant submits that it is unreasonable to equate a digital sign device to a company logo since they are two very different things.

For at least these additional reasons, Applicant submits that claim 19 is patentable over Wolff and Unold et al.

Claim 20 recites creating the special event logo by modifying the standard company logo with at least one of video or audio data. Neither Wolff nor Unold et al. discloses or suggests this combination of features.

The Examiner alleged that Unold et al. discloses the ability to modify a logo with animated images, video, and audio data and cited paragraph 0047, lines 9-13, of Unold et al. for support (Office Action, paragraph 6). Applicant respectfully disagrees.

Paragraph 0047, lines 9-13, of Unold et al. has been reproduced above. In this section, Unold et al. discloses that a digital sign is capable of displaying video or still images and producing audible sound. As explained above with regard to claim 19, Applicant submits that it

is unreasonable to equate a digital sign device to a company logo since they are two very different things.

For at least these additional reasons, Applicant submits that claim 20 is patentable over Wolff and Unold et al.

Claim 22 recites identifying one or more search terms relating to the special event. Neither Wolff nor Unold et al. discloses or suggests this combination of features.

The Examiner alleged that Wolff discloses the use of a search term but admitted that Wolff does not disclose the search term being related to a special event (Office Action, paragraph 8). The Examiner alleged that it would have been obvious to associate the search term with the special event in the combination of Wolff and Unold et al. "because Wolff alone associates the search term with the company logo, so in combination of Wolff and Unold, the search term would be related to the special event logo in some sort of way" (Office Action, paragraph 8). Applicant respectfully disagrees.

The Examiner's allegation rests on the assumption that Wolff discloses associating a search term with a company logo. As explained above with regard to claim 18, contrary to the Examiner's allegation, Wolff does not disclose associating a search term with a company logo. Because the basis of the Examiner's allegation lacks merit, the rest of the Examiner's allegation also lacks merit. Contrary to the Examiner's allegation, even if Wolff could be combined with Unold et al. (a point that Applicant does not concede), the combined system would not have identified one or more search terms relating to a special event, or associated the one or more search terms with the special event logo, as required by claim 22.

For at least these additional reasons, Applicant submits that claim 22 is patentable over

Wolff and Unold et al.

Claim 25 recites determining a home page for the web page on a network, identifying the standard company logo on the home page, and modifying the standard company logo with special event information to create the special event logo. Neither Wolff nor Unold et al. discloses or suggests this combination of features.

For example, neither Wolff nor Unold et al. discloses or suggests identifying a standard company logo on a home page. The Examiner alleged that Wolff discloses this feature and cited column 8, lines 35-40, of Wolff for support (Office Action, paragraph 11). Applicant respectfully disagrees.

At column 8, lines 35-40, Wolff discloses:

At step 200, a WWW page 100 is displayed on display 18 of a user node 14. Page 100 is retrieved from sponsor server 50 (FIG. 1) when server 50 is accessed by specifying its URL during a browsing session by the user. Page 100 is specified by HTML file 52 which, as described above, caused an icon or advertising banner 102 to be displayed.

In this section, Wolff discloses that an advertising banner is displayed on a web page. As explained above with regard to claim 18, an advertising banner is not equivalent to a company logo. Therefore, contrary to the Examiner's allegation, Wolff does not disclose or remotely suggest identifying a standard company logo on a home page, as required by claim 25.

For at least these additional reasons, Applicant submits that claim 25 is patentable over Wolff and Unold et al.

Independent claim 26 recites features similar to features recited in claim 18. Claim 26 is, therefore, patentable over Wolff and Unold et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 18. Claims 29-31 depend from claim 26 and are, therefore, patentable over Wolff and Unold et al. for at least the

reasons given with regard to claim 26. Claims 29-31 also recite features similar to features recited in claims 19-25. Claims 29-31 are, therefore, also patentable over Wolff and Unold et al. for reasons similar to reasons given with regard to claims 19-25.

Independent claim 27 is directed to a server connected to a network. The server comprises a memory configured to store instructions and a processor configured to execute the instructions to determine a home page for a web page on the network, identify a standard company logo on the home page, modify the standard company logo with special event information corresponding to a special event to create a special event logo, and replace the standard company logo with the special event logo during the special event.

Neither Wolff nor Unold et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 27. For example, neither Wolff nor Unold et al. discloses or suggests a processor configured to identify a standard company logo on a home page, for at least reasons similar to reasons given with regard to claim 25.

Wolff and Unold et al. also do not disclose or suggest a processor configured to modify a standard company logo with special event information corresponding to a special event to create a special event logo, as further recited in claim 27, for at least reasons similar to reasons given with regard to claim 18.

Wolff and Unold et al. also do not disclose or suggest a processor configured to replace the standard company logo with the special event logo during the special event, as further recited in claim 27. The Examiner did not address this feature and, therefore, did not establish a prima facie case of obviousness with regard to claim 27.

For at least these reasons, Applicant submits that claim 27 is patentable over Wolff and

Unold et al., whether taken alone or in any reasonable combination. Claims 32 and 33 depend from claim 27 and are, therefore, patentable over Wolff and Unold et al. for at least the reasons given with regard to claim 27.

Independent claim 28 recites features similar to features recited in claims 18-20. Claim 28 is, therefore, patentable over Wolff and Unold et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claims 18-20.

New claims 34, 35, and 36 depend from claims 18, 26, and 28, respectively. Claims 34-36 are, therefore, patentable over Wolff and Unold et al. for at least the reasons given with regard to claims 18, 26, and 28.

New independent claim 37 recites features similar to, but different in scope from, features recited in other independent claims. Claim 37 is, therefore, patentable over Wolff and Unold et al. for at least reasons similar to reasons given with regard to the other independent claims. Claims 38 and 39 depend from claim 37 and are, therefore, patentable over Wolff and Unold et al. for at least the reasons given with regard to claim 37.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of pending claims 18-36.

If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

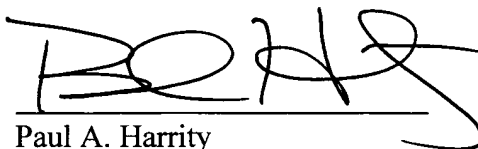
To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By:

A handwritten signature in black ink, appearing to read 'PAH', written over a horizontal line.

Paul A. Harrity
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Date: November 22, 2005

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